

REMARKS

Applicants thank the Examiner for the thorough examination of the present application. Reconsideration of this application, as amended, is respectfully requested.

Status of the Claims

Claims 1-29, 31, 32, 34-44, and 50-53 are now present in this application, of which claims 1, 23, and 50 are independent. By this amendment, claims 30, 33, and 45-49 have been cancelled, without prejudice or disclaimer, claims 1, 3-16, 18, 19, 21-23, 25-29, 31, 32, 34-38, 41, 43, 44, 50, 52, and 53 have been amended.

Priority under 35 U.S.C. § 119

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority documents.

Information Disclosure Citation

Applicants thank the Examiner for considering the references supplied with the Information Disclosure Statement filed August 13, 2009, and for providing Applicants with an initialed copy of the PTO-SB08 form filed therewith.

Drawings

Since no objection has been received, Applicants assume that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

Claim Objections

The Examiner has objected to claims 6 and 28 under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim must refer back to a claim in the alternative only.

Applicants have amended claims 6 and 28 in order to correct the deficiencies pointed out by the Examiner. Reconsideration and withdrawal of this objection are respectfully requested.

Rejection Under 35 U.S.C. § 112, 2nd Paragraph

Claims 11 and 33 stand rejected under 35 U.S.C. § 112, 2nd Paragraph. This rejection is respectfully traversed.

The Examiner has set forth certain instances wherein the claim language lacks antecedent basis or is not clearly understood.

Applicants respectfully submit that claim 11 complies with 35 U.S.C. § 112, 2nd Paragraph for the following reasons. First, claim 11 specifies that the first and second faces are coplanar, which is supported by at least Figure 14 of the present application and as further described in the specification at page 14, line 29 to page 15, line 3 stating “[f]igure 14 illustrates a variant where groove 12, surfaces 22 and 23 intersect each other at an angle of 180°, in effect creating a single surface 26 intersecting both major 4 and minor 8 surfaces.”

Moreover, this claim language does not contradict the claim language of independent claims 1 and 23 as claim 1 and 23 do not require an “angled groove” as alleged by the Examiner. Rather, claims 1 and 23 require that at least one of the angles (e.g., angle formed by each major edge abutting an adjacent minor edge along its entire length) comprises a longitudinally disposed groove. This claim language is also consistent with Figure 14 of the present application and the subject matter of dependent claim 11.

Applicants respectfully submit that the claims, as amended, particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 45-47 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Leduke. Claims 48 and 49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gardner. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that claims 45-49 have been cancelled, thus rendering these rejections under 35 U.S.C. § 102(b) moot. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-5, 8-15, 22-27, 30-37, 44 and 50-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Calapp in view of Filice. Further, claims 7, 16-21, 29 and 38-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Calapp in view of Filice and in further view of Leduke. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that claims 30 and 33 have been cancelled, thus rendering the rejection of these claims under 35 U.S.C. § 103 moot.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of elements in a sports shaft including an elongated body comprising opposed first and second major side surfaces spacing apart opposed first and second minor side surfaces, each said major surface having two lateral major edges disposed along the length of said elongated body, each said minor surface having two lateral minor edges disposed along the length of the elongated body, each said major edge abutting an adjacent minor edge along its entire length forming four angles along the longitudinal periphery of said body, at least one of said angles comprising a longitudinally disposed groove therein, said groove comprising a first face disposed adjacent said major surface and a second face disposed adjacent said minor surface, said first and second faces intersecting each other for the length of the groove, and each groove being filled with an elastomeric material with the elastomeric material being present only within a volume bounded by said first face, by said second face, by a first plane projecting from and being parallel to said major surface and by a second plane projecting from and being parallel to said minor surface. Independent claims 23 and 50 have been similarly amended to define the features of the elastomeric material.

Applicants respectfully submit that these combinations of elements as set forth in independent claims 1, 23, and 50 are not disclosed or made obvious by the prior art of record, including Calapp, Filice, and Leduke.

As acknowledged by the Examiner, Calapp fails to show or describe grooves being filed with elastomeric material. As such, the Examiner relies on the teachings of Filice as allegedly teaching this deficiency with respect to Calapp. Applicants respectfully disagree.

Applicants respectfully submit that Filice discloses a handle stick having a layer of cover or coating material which is applied to the surface of the shaft. In some embodiments, the elastomer is provided as a unitary coat or cover 52, 652, 752 which surrounds and overlies the exterior shaft surface 28, 628, 728 (Figs. 1-3, 11-15). In other embodiments, the elastomer is provided as pre-formed exterior ribs 156, 356, 456, 556 that protrude outwardly from corners or edges 150, 350, 450, 550 of the shaft (Figs. 4-5, 8-10), or as ribs 256 snap-fitted into longitudinal slits 254, the ribs 256 having a domed-shaped head (Figs. 6 and 7).

In contrast, the disclosed invention is directed at reinforcing a sport shaft only along the edges, where there is less material to absorb and dissipate impacts. At the same time, the disclosed invention minimizes the weight of the shaft. As such, the claimed inventions provide the elastomeric material as being present only within a volume bounded by said first face, by said second face, by a first plane projecting from and being parallel to said major surface and by a second plane projecting from and being parallel to said minor surface. None of these advantages, nor the particular arrangement of the elastomeric material and grooves are taught by Calapp and Felice.

Leduke was not cited for teachings to overcome the deficiencies noted above with respect to Calapp and Felice.

Applicants respectfully submit that the combinations of elements as set forth in independent claims 1, 23, and 50 are not disclosed or made obvious by the prior art of record, including Calapp, Felice, and Leduke, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to the dependent claims, Applicants submit that claims depend, either directly or indirectly, from independent claim 1, 23, or 50, which are allowable for the reasons set forth above, and therefore the dependent claims are allowable based on their dependence from claim 1, 23, or 50, as well as for their additionally recited subject matter. Reconsideration and allowance thereof are respectfully requested.

Additional Cited References

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but have merely been cited to show the state of the art, no comment need be made with respect thereto.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad D. Wells, Registration No. 50,875, at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: JUL 14 2011

Respectfully submitted,

By 
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